

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Elections, to which was referred Senate Bill No. 480, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, line 12, delete "Violates IC 3-9-8-4." and insert **"Is a**
- 2 **candidate, candidate's committee, political party, or political action**
- 3 **committee, and sponsors a persuasion poll that does not comply**
- 4 **with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6."**
- 5 Page 2, between lines 12 and 13, begin a new line block indented
- 6 and insert:
- 7 **"(13) Authorizes, conducts, or administers a persuasion poll**
- 8 **that does not comply with IC 3-9-8-4, IC 3-9-8-5, or**
- 9 **IC 3-9-8-6."**
- 10 Page 3, between lines 12 and 13, begin a new paragraph and insert:
- 11 **"(g) This subsection applies to a candidate, candidate's**
- 12 **committee, political party, or political action committee that is**
- 13 **subject to a civil penalty under subsection (a)(12). If the**
- 14 **commission determines that the candidate, candidate's committee,**
- 15 **political party, or political action committee has sponsored a**
- 16 **persuasion poll that included calls that did not comply with**
- 17 **IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the commission may assess a**
- 18 **civil penalty of up to three (3) times the amount expended by the**
- 19 **candidate, candidate's committee, political party, or political action**
- 20 **committee in sponsoring the poll, plus any investigative costs**

1 incurred and documented by the election division. If the
 2 commission determines that a civil penalty is warranted, the
 3 commission shall consider the following factors in determining the
 4 amount of the penalty:

5 (1) the number of calls made in violation of IC 3-9-8-4,
 6 IC 3-9-8-5, or IC 3-9-8-6; and

7 (2) whether the calls in violation of IC 3-9-8-4, IC 3-9-8-5, or
 8 IC 3-9-8-6 were isolated events or part of a pattern of
 9 violations."

10 Page 3, line 13, delete "(g)" and insert "(h)".

11 Page 3, line 14, delete "(a)(12)" and insert "(a)(13)".

12 Page 3, line 15, delete " IC 3-9-8-4 by failing to make the required"
 13 and insert " **IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6,**".

14 Page 3, line 16, delete "disclosures or by making false or fictitious
 15 disclosures,".

16 Page 3, line 18, delete "IC 3-9-8-4" and insert "**IC 3-9-8-4,**
 17 **IC 3-9-8-5, or IC 3-9-8-6**".

18 Page 3, line 22, delete "(h)" and insert "(i)".

19 Page 3, line 25, delete "(i)" and insert "(j)".

20 Page 4, line 12, delete "Violates IC 3-9-8-4." and insert "**Is a**
 21 **candidate, candidate's committee, political party, or political action**
 22 **committee, and sponsors a persuasion poll that does not comply**
 23 **with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6.**".

24 Page 4, between lines 12 and 13, begin a new line block indented
 25 and insert:

26 **"(12) Authorizes, conducts, or administers a persuasion poll**
 27 **that does not comply with IC 3-9-8-4, IC 3-9-8-5, or**
 28 **IC 3-9-8-6."**

29 Page 5, between lines 4 and 5, begin a new paragraph and insert:

30 **"(f) This subsection applies to a candidate, candidate's**
 31 **committee, political party, or political action committee that is**
 32 **subject to a civil penalty under subsection (a)(11). If the county**
 33 **election board determines by a unanimous vote that the candidate,**
 34 **candidate's committee, political party, or political action**
 35 **committee has sponsored a persuasion poll that included calls that**
 36 **did not comply with IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6, the**
 37 **county election board may assess a civil penalty of up to three (3)**
 38 **times the amount expended by the candidate, candidate's**

committee, political party, or political action committee in sponsoring the poll, plus any investigative costs incurred and documented by the county election board. If the county election board determines by a unanimous vote that a civil penalty is warranted, the county election board shall consider the following factors in determining the amount of the penalty:

(1) the number of calls made in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6; and

(2) whether the calls in violation of IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6 were isolated events or part of a pattern of violations."

Page 5, line 5, delete "(f)" and insert "(g)".

Page 5, line 6, delete "(a)(11)" and insert "(a)(12)".

Page 5, line 7, delete " IC 3-9-8-4 by failing to make" and insert "IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6,".

Page 5, delete line 8.

Page 5, line 10, delete "IC 3-9-8-4" and insert "IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6".

Page 5, line 14, delete "(g)" and insert "(h)".

Page 5, line 20, delete "(h)" and insert "(i)".

Page 5, line 22, delete "(i)" and insert "(j)".

Page 5, line 27, delete "and Telephone Solicitations".

Page 5, line 35, delete "one thousand (1,000)" and insert "five hundred (500)".

Page 6, delete lines 21 through 28.

Page 6, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 3. (a) For purposes of this chapter, a candidate, candidate's committee, political party, or political action committee conducts business in Indiana if the candidate, candidate's committee, political party, or political action committee sponsors or authorizes a persuasion poll that includes telephone calls that are made:

(1) from Indiana to other locations in Indiana;

(2) from another state or nation to locations in Indiana; or

(3) from locations both within and outside Indiana to locations in Indiana.

(b) For purposes of this chapter, a person conducts business in Indiana if the person receives money or other remuneration to

1 **conduct or administer a persuasion poll that includes telephone**
 2 **calls that are made:**

- 3 **(1) from Indiana to other locations in Indiana;**
 4 **(2) from another state or nation to locations in Indiana; or**
 5 **(3) from locations both within and outside Indiana to locations**
 6 **in Indiana.**

7 **(c) A nonresident of Indiana who conducts business under**
 8 **subsection (a) or (b) is considered to have appointed the election**
 9 **division as the nonresident's agent for service of process in any**
 10 **action or proceeding against the nonresident arising from the**
 11 **conduct of the persuasion poll."**

12 Page 6, line 29, delete "(b)" and insert "**Sec. 4. (a)**".

13 Page 6, line 29, delete "authorize, sponsor," and insert "**sponsor,**
 14 **authorize,**".

15 Page 6, line 30, delete "or political telephone solicitation".

16 Page 6, line 35, delete "(c)" and insert "**(b)**".

17 Page 6, line 38, delete "(d)" and insert "**(c)**".

18 Page 7, line 2, delete "(e)" and insert "**(d)**".

19 Page 7, line 2, delete "The" and insert "**A**".

20 Page 7, line 2, delete "sponsoring or authorizing the call".

21 Page 7, line 11, delete "The" and insert "**A**".

22 Page 7, line 11, delete "sponsoring or authorizing the call".

23 Page 7, between lines 15 and 16, begin a new paragraph and insert:

24 **"Sec. 7. A person who sponsors, authorizes, conducts, or**
 25 **administers a persuasion poll may not knowingly or intentionally**
 26 **block or attempt to block the display of the person's:**

27 **(1) telephone number; or**

28 **(2) identity;**

29 **by a respondent's caller ID service (as defined by IC 8-1-2.9-1)**
 30 **during a call that is part of the persuasion poll."**

31 Page 7, line 18, after "who" insert "**sponsors, authorizes, conducts,**
 32 **or administers a persuasion poll that"**.

33 Page 7, line 18, delete " IC 3-9-8-4 by failing to" and insert
 34 **"IC 3-9-8-4, IC 3-9-8-5, or IC 3-9-8-6"**.

35 Page 7, delete line 19.

36 Page 7, line 20, delete "disclosures".

37 Page 7, after line 20, begin a new paragraph and insert:

38 **"SECTION 5. IC 3-14-1-18 IS ADDED TO THE INDIANA CODE**

1 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 1999]: **Sec. 18. A person who violates IC 3-9-8-7 by knowingly or**
3 **intentionally blocking or attempting to block the person's**
4 **telephone number or identity by a respondent's caller ID service**
5 **(as defined in IC 8-1-2.9-1) commits a Class B misdemeanor.**
6 **However, the offense is a Class A misdemeanor if the person has a**
7 **previous unrelated conviction under that section."**

(Reference is to SB 480 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Landske

Chairperson